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# FINAL RECOMMENDATIONS FOR THE COURT REPORTERS BOARD

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## RECOMMENDATIONS OF THE JOINT SUNSET REVIEW COMMITTEE AND THE DEPARTMENT OF CONSUMER AFFAIRS (DEPARTMENT)

**ISSUE #1. (CONTINUE REGULATION OF THE PROFESSION?) Should the licensing and regulation of Court Reporters be continued?**

**Recommendation #1:** *The Joint Committee and the Department recommends continued state regulation of court reporters.*

**Comments:** Court reporters provide an essential and highly skilled service to the judicial system. Ongoing regulation is necessary to protect the public and ensure proper judicial review of court proceedings. Given the importance of court reporters to the legal profession, the Joint Committee and the Department recommends that court reporters continue to be regulated.

**ISSUE #2. (CONTINUE WITH THE BOARD?) Should the Board be continued, or its role be limited to an advisory body and the remaining functions be transferred to the Department?**

**Recommendation #2:** *The Joint Committee and the Department recommends retaining the Board as the governing structure for regulation of the court reporting profession.*

**ISSUE #3. (DO APPLICANTS FOR LICENSURE RECEIVE THE APPROPRIATE TRAINING AND EXPERIENCE TO SIT FOR THE BOARD'S EXAMINATION?)**

The examination provided by the Board to applicants for licensure has a history of both inconsistent and very low passage rates. It is unknown whether this is due to inadequate school-based training, lack of qualifying work experience, or other alternative methods to licensure which may not adequately prepare applicants to sit for the Certified Shorthand Reporter examination.

**Recommendation #3:** *The Joint Committee and the Department recommends that the Board conduct an analysis of the exam passage rate, relative to the different licensing pathways, to determine which candidates are better prepared for the state examination. This should provide evidence of whether court reporter schools are adequately preparing students to pass the licensing examination, or whether other requirements for licensure may have to be changed.*

**Comments:** While the Joint Committee focused on the quality of education and training provided by court reporter schools, it is important to note that not all candidates qualify for the court reporter licensing exam through schools. Therefore, the low examination passage rate for court reporters involves more factors than just the quality of training programs. Nonetheless, the Board does appear to

have the authority to address applicant eligibility by prescribing and evaluating the qualifications of candidates to take its licensing examination. Specifically, the Board is authorized to “seek from any applicant any other information pertinent to the background, education, and experience of the applicant that may be deemed necessary in order to evaluate the applicant's qualifications and fitness for licensure.”

The Board is required to compile and publish examination passage rate data relative to its examination, including (1) the numbers and percentage of candidates who qualify to take the examination via each specified licensing pathway, and (2) the passage rate for each of the pathways to qualification. Careful analysis of this data would help the Board assess which candidates are better prepared for the licensing examination. For example, the Board could determine if a candidate who qualifies based on experience has a better or worse chance of passing than a candidate who qualifies through reciprocity with other states, or a candidate who qualifies through school based training. Therefore, the Department recommends that the Board conduct this analysis and determine whether court reporter schools are adequately preparing students to pass the licensing examination.

**ISSUE #4. (IMPROVE OVERSIGHT OF COURT REPORTER SCHOOLS?)** The Board indicated that it has very limited authority over court reporting schools, and believes that better coordination is needed with the Bureau for Private Postsecondary and Vocational Education (Bureau) which has approval authority over the school's operations. This is untrue. The Board's regulatory authority with respect to all schools and instructors is quite clear. Thus, it would appear that the Board needs to be more aggressive in its application of its existing authority. However, given the Bureau's expertise with school oversight, better coordination of the activities of the Board and the Bureau may be appropriate

**Recommendation #4:** *The Joint Committee and the Department recommends supporting the current effort to coordinate the activities of both the Board and the Bureau by entering into a Memorandum of Understanding (MOU). The Legislature should also consider making court reporter school training schools subject to the course completion and placement requirements that currently apply to other training schools subject to Bureau jurisdiction.*

**Comments:** The Board's regulatory authority with respect to all schools and instructors is quite clear. Thus, it would appear that the Board needs to be more aggressive in its application of its existing authority. While the Bureau for Private Postsecondary and Vocational Education (Bureau) has general authority over all private postsecondary professional/vocational schools, the Bureau typically defers to the applicable Department licensing program when its standards are more specific. However, given the Bureau's expertise with school oversight, the Department recommends supporting the current effort to coordinate the activities of both the Board and the Bureau.<sup>1</sup> Furthermore, the Legislature should consider making court reporter training schools subject to the course completion and placement requirements that currently apply to other training schools subject to Bureau jurisdiction.

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<sup>1</sup> Both the Board and Bureau have recently begun work on a Memorandum of Understanding (MOU) to establish a coordinated approach to their joint responsibility for court reporting schools. The MOU will provide for joint site visits, sharing of technical expertise, statute and regulation review, as well as elimination of overlap and redundancy in the two programs. The MOU should be completed by the end of June 2000.

**ISSUE #5. (SHOULD OTHER CHANGES BE MADE TO IMPROVE COURT REPORTER EDUCATION AND THE BOARD’S EXAMINATION?) The Board made a number of other recommendations to improve court reporting education and the passage rate of its examination.**

***Recommendation #5: The Board should implement recommendations made to the Joint Committee and Department for increasing the exam passage rate and improving court reporter education .***

**Comments:** The Board has recommended taking the following actions to improve the passage rate on its CSR examination:

- Offer the English and Professional Practice portions of the exam on computer each quarter at testing centers in numerous locations around the state.
- Continue to schedule the Dictation and Transcription part of the CSR exam in May and November, but offer it simultaneously both in Northern and Southern California via videoconferencing or other similar technology.
- Seat the dictation readers in standard courtroom seating to recreate a location structure that is familiar to most examinees who have taken qualifying exams in CSR schools.
- Ensure that there is at least one interruption on every page to page and a half, but not more than three interruptions per page in the dictated transcript in order to clarify parameters
- Redesign the test preparation process and expand the pre-test evaluation to ensure that tests are more uniform in their degree of difficulty.
- Explore the feasibility of replacing the current fixed pass points on each of the tests with a criterion referencing methodology that provides for adjustment of a pass point appropriate to the difficulty of each test.
- Establish a post-exam evaluation process to remove questionable items before grading and to avoid problems on future exams.
- Complete and implement the results of the occupational analysis planned by the Department’s Office of Exam Resources – pending approval of the Board’s 2000/20001 BCP.
- Continue to explore the use of new technologies to streamline the exam application and grading process, and the time to notify examinees of exam results.
- Conduct a sound test of examination rooms prior to each Dictation and Transcription exam to test acoustics and install additional loudspeakers if necessary.
- Continue to survey examinees regarding exam problems and adjust new testing methods if necessary.
- Offer the CSR exams more frequently than twice a year (to at least three times a year) and offer the exam in more locations around California.

The Board made the following recommendations to improve the quality of education at court reporter schools:

- Improve oversight at private schools and at public schools by contracting with a knowledgeable consultant.
- Work with the Bureau of Private Postsecondary and Vocational Education (BPPVE) of the Department of Consumer Affairs to develop of process to rate or rank court reporting schools.
- Work with the BPPVE to develop a process to refine instructor qualifications, school inspection plans, and improve curriculum.
- Continue researching the possibility that some schools may have “prematurely qualified” students to take the CSR exam.

Further, in response to the decline in the number of reporting schools and impending closure of additional schools, the Board is seeking legislation to specify that reporting schools shall have two years to discontinue or to phase out its court reporting program – which two years could be extended for two additional one-year periods for good cause. For schools that are contemplating closure, the Board believes that specifying a time period in which a school would have to close its program will assure that the school will continue to offer all their students the entire court reporting curriculum and not just a portion thereof.